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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**

8 United States of America,)

9 Plaintiff,)

No. 08-07334-2-M

10 v)

11 Adalberto Montenegro-Enriquez,)

12 Defendant,)
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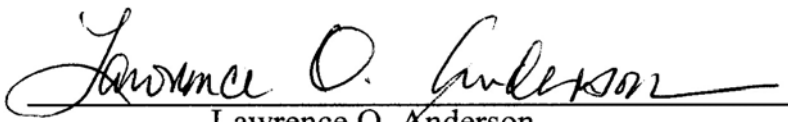
ORDER

14 HAVING considered the Motion of the Defendant to allow the Government
15 additional time under the Speedy Trial Act to file an indictment, which sets forth the
16 Defendant is accused of Alien Smuggling and Transporting Illegal Aliens in violation of
17 among other violations, Title 8 U.S.C. §132 (sic) (a)(1)(A)(ii), when, in fact, the correct
18 charge is under Title 8 U.S.C. §1324(a)(1)(A)(ii), together with the Government's Response
19 which also sets forth boilerplate language about defendants who are charged with violations
20 of 8 U.S.C. §1326,

21 **IT IS ORDERED denying without prejudice** Defendant's Motion to Extend Time
22 to Indict. (docket #18)

23 The last day to seek a timely indictment in this case is, and remains, September 30,
24 2008.

25 DATED this 17th day of September, 2008.

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27 
28 Lawrence O. Anderson
United States Magistrate Judge